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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0630-1379P	
	Application Number 10/003,068-Conf. #4856	Filed December 6, 2001	
	First Named Inventor Hwan KYE		
	Art Unit 2616	Examiner H. S. Cho	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>40,953</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> Signature</p> <p><u>Esther H. Chong</u> Typed or printed name</p> <p><u>(703) 205-8000</u> Telephone number</p> <p><u>July 5, 2007</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



PATENT  
0630-1379P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Hwan Won Kye Conf. No.: 4856  
Appl. No.: 10/003,068 Group: 2616  
Filed: December 6, 2001 Examiner: H. S. Cho  
For: MEDIA ACCESS CONTROL FRAME STRUCTURE AND DATA  
COMMUNICATION METHOD

**REASONS FOR REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Background**

An Amendment in response to the final Office Action was filed on June 4, 2007, and the Advisory Action dated June 15, 2007 indicated that such Amendment will be entered for the purpose of appeal and claims 6-16 are allowed. Applicant's representative, Mr. Robert J. Webster, also discussed the status with Examiner Cho on June 17, 2007. As a result, claims 1-17 are pending where only claims 1-5 and 17 remain rejected under 35 USC §101. No other issues appear to be present.

**Rejection Under 35 U.S.C. § 101**

Claims 1-5 and 17-22 stand rejected under 35 USC § 101 as being directed to data structures, which is alleged to be non-statutory subject matter.

First, this rejection is moot with respect to cancelled claims 18-22.

Regarding claims 1-5, these claims recite a "cable network" including a device such as "a cable modem" and thus do not recite a data structure, *per se*. Claims 1-5 further recite features that produce concrete, tangible and useful results such as "to initialize payload header suppression". Claim 17 positively recite a method with specific features and steps that produce concrete, tangible and useful results such as "to initialize payload header suppression".

Clearly claims 1-5 and 17 are directed to statutory subject matter such as a device/system (cable network) and a method including various concrete steps. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

**Conclusion**

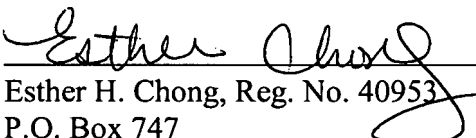
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46472, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

**Date: July 5, 2007**

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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